

**Minutes of the
Arkansas Water Well Construction Commission Meeting
August 10, 2012**

The regular meeting of the Arkansas Water Well Construction Commission was held in conjunction with the Arkansas Water Well Contractors Association meeting on August 10, 2012 at 1:00 PM, in the Quindell Conference Room at the Red Apple Inn, 305 Club Road, Heber Springs, Arkansas.

Commissioners in attendance: Chairman Gilbert, Vice Chairman McDermott, Commissioners Pender, Washington, Hunt, and Randy Young, Executive Director.

Arkansas Natural Resources Commission staff in attendance included: Edward Swaim, Chief of Water Resources Management Division; Deanna Ray, Associate General Counsel; Jessica Wallace, ANRC Administrative Services Manager; Todd Fugitt, ANRC Geology Supervisor; Jacob Harvey, Water Well Inspector; Perry Dotson, Water Well Inspector; and Jackie Broach, Ground-Water Administrative Analyst.

Chairman Gilbert called the regular meeting of the Arkansas Water Well Commission to order and welcomed the members of the AWWCA who were present for the meeting. He then asked each commissioner to introduce themselves for the AWWCA members.

Approval of Minutes:

Chairman Gilbert presented the June 1, 2012 Minutes. Motion was made by Commissioner Pender to approve the Minutes as presented and was seconded by Commissioner Washington. Motion carried.

Executive Secretary's Report:

Executive Secretary, Randy Young, asked Barry Jackson with USGS and each ANRC staff member to introduce themselves to the AWWCA members.

Financial Report:

Jessica Wallace, ANRC Administrative Services Manager, reported the Year End Fiscal Data for fiscal year 2012 which ended on June 30, 2012. She reported Total Revenue for the year was \$201,054.36, Total Expenses were \$124,319.80, leaving a YTD Net Revenue of \$76,734.56. Mrs. Wallace reported that YTD Net Revenues were better than last year, and in fact, the last two years have seen an increase in Revenue carryover. Mrs. Wallace also reported that the budget for the next two years has been submitted to the Department of Finance and Administration and that there were no additional or new requests for the budget as AWWCC budget was satisfactory for what the needs were.

Financial Report was approved.

Legal:

Deanna Ray, Associate General Counsel, reported that Mr. Burson of H2O paid his \$3500.00 fine assessed to him and was now in good standing as far as outstanding fines. Commissioner Pender asked what was the violation the fine was assessed for. Associate General

Counsel Ray responded that the violation was an improperly drilled well. Commissioner Pender responded that he was aware that this issue consumed a lot of staff time, as we were unable to contact Mr. Burson by mail, and thought further disciplinary action might be warranted because of Mr. Burson's failure to pick up his mail. He noted that the customer he had drilled a well for was unable to contact him regarding problems he was having with the well and was contacting him for help. Associate General Counsel Ray responded that it was our understanding that Mr. Burson was out of the country and we were able to make contact when he got back. She also noted that the well owner had contacted her stating he was not satisfied with his well and asked what recourse he had and she gave him information regarding civil action that can be taken under the law.

Commissioner Pender asked why licensing for Kenny Burson was allowed since the well owner still was not satisfied, being in violation of code for a year, and staff not being able to get in touch with him during that time. Mr. Todd Fugitt, ANRC Geology Supervisor stated that our understanding was that he was out of the country during that time and when he got back, we were able to make contact. Mr. Burson came into the office and stated that he did not receive his mail because of vandalism against him and only received word after he got back in the country and wanted to know what to do to get relicensed. Mr. Fugitt stated he told him to pay his fines, registration fees and late fees and he would be legal to work again, which Mr. Burson did. Chairman Gilbert asked if there still was an issue with the customer and Mr. Fugitt responded that the customer is using the well, but there were still some issues. Chairman Gilbert responded that if anything more came up, we can contact Mr. Burson to try to get it resolved.

Consideration of Applicants:

Todd Fugitt presented the following applicants for Commission approval:

STATUS OF THOSE ALREADY APPROVED

<u>EXAM</u>	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
Andrew Briggs (D) Passed	W.E. Pender & Sons, Inc.	Texarkana, AR
Cody B. McMullan (PI) Passed	May Water Service, Inc.	Hope, AR

NEW DRILLER APPLICANT

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
Jeremy A. Brooks	Grubbs, Hoskyn, Barton & Wyatt	Little Rock, AR
Neal A. Farrar	Sunbelt Environmental Services	Springfield, MO

NEW PUMP INSTALLER APPLICANT

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
David A. McMellon	Reliable Pump Service, Inc.	Berryville, AR

NEW DRILLER APPRENTICE APPLICANT

	<u>EMPLOYER NAME</u>	<u>CITY/STATE</u>
Roger Wedgworth	Arkansas Well Supply	McCrory, AR

Delmer L. Moore	Caldwell-McGrew Irrigation, Inc.	Corning, AR
Dennis Woodard	Caldwell-McGrew Irrigation, Inc.	Corning, AR
Jeremy L. Hargrove	Anderson Engineering Consultants	Little Rock, AR
Donald M. Ivy, Sr.	Excel Water Well Drilling	Hampton, AR

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Donald M. Ivy, Sr.	Excel Water Well Drilling	Hampton, AR
Kevin R. Lease	KM Pumps, Inc.	Stuttgart, AR

Commissioner Pender made a motion to approve the New Driller applicants as presented, with the contingency that Mr. Neal Farrar provide a notarized letter from Contractor and a letter from a customer, seconded by Executive Director, Randy Young. Motion carried.

Commissioner Pender asked that the Commission consider all other applicants with the exception of Mr. Donald Ivy, Sr. with Excel Water Well Drilling. Mr. Fugitt then presented those applicants for approval. Commissioner McDermott made a motion to approve all other applicants except Mr. Donald M. Ivy, Sr., seconded by Commissioner Washington. Motion carried.

Mr. Todd Fugitt then presented Mr. Donald Ivy for approval for Driller and Pump Installer Apprenticeship. Commissioner Pender stated there was a problem with a well drilled by H20 that has not been resolved and the well owner was calling him for help. Commissioner Pender stated that an unlicensed driller drilled the well for H20. Executive Director Young asked Commissioner Pender who the unlicensed driller was and Commissioner Pender responded that he thought it was Mr. Ivy. Commissioner Pender asked Perry Dotson, Inspector, who the unlicensed driller was and Mr. Perry Dotson stated that he was not sure. Executive Director Young made a motion to not approve Mr. Ivy for apprenticeship until further investigation could be done. Motion carried.

Mr. Todd Fugitt asked the AWWCA if contractors would be interested in earning 1 CEU for filling out their online construction reporting. Mr. Jerry Sollis, President of AWWCA, stated that AWWCA would be very interested in this and would meet with the association and report the result for consideration at the next AWWCC Commission Meeting.

Mr. Fugitt stated that all CEU's must be turned in by 7/31 of the annual renewal period and stated that licenses and registrations would not be issued until the CEU's were turned in. Mr. Fugitt asked the commission if CEU's obtained at the AWWCA August Meeting could be used for the current renewal year. After discussion, it was approved to use CEU's from the August Meeting for the current renewal year.

Mr. Fugitt then presented waiver request for Mr. Robin Munzner. Mr. Fugitt did not recommend approval for Mr. Munzner as he had not turned in the proper paperwork for application. Mr. Munzner was last licensed over 10 years ago and the rules and regulations state that he must re-apply and take the required tests. Mr. Munzner wanted his license to be renewed without having to fill out the application or taking the test. After much discussion, Executive Director Young stated that 17-50-108 allowed for licensing for undue hardship and asked Mr. Munzner what his hardship was. Mr. Munzner responded that several customers in his area were

calling him to install or repair pumps on their wells, and he had already purchased a truck and now had payments to make. Executive Director Young responded that Mr. Munzner submit in writing to Jackie Broach what he feels his hardship is and to document the requests for his work. He then made a motion to grant a six month hardship license with request to appear before the commission with the documentation at the end of the six months. Motion carried.

Executive Director Young reported that General Counsel, Crystal Phelps, was working on Legislation to clean up water well apprenticeship regulations for Governor Beebe and will get a copy of the results to the Commission as soon as we receive the bill.

Inspector's Report:

Entered 183 well reports

Answering Phone questions

Investigation of Illegal Drilling and Pump Installers (5)

Independence County Driller license Investigation - Continuing

Madison County Pump Installer Investigation - Continuing

Miller County Driller Investigation - Driller was Licensed

Van Buren County License Investigation - Continuing

Calhoun County License Investigation - Continuing

Well Inspection(1) Columbia County – Well properly constructed

Contractor Visits (5)

County Health Office Visits (3)

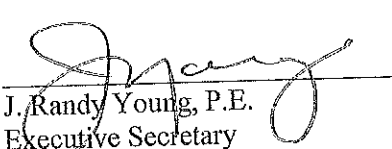
License Testing (1)

Well Abandonment (1)

Other Business:

Commissioner McDermott asked AWWCA for ideas and/or suggestions on the best way to advertise as a means to emphasize having well and pump installation and/or repairs to be done by professionals and reporting on illegal work or advertising. He recommended that AWWCA appoint a committee to work with the Commission Committee to recommend their ideas and/or suggestions at the next Commission Meeting. Mr. Jerry Sollis, President of AWWCA, says that AWWCA will appoint a committee to meet with the Commission Committee and will submit a report to the Commission at the next Commission Meeting. Committee Members from the Commission are Chairman McDermott, Commissioner Washington and Commissioner Pender

Meeting adjourned.


J. Randy Young, P.E.
Executive Secretary

10-9-12
Date